

UNITED STATE DISTRICT COURT
DISTRICT OF MASSACHUSETTS

11834-GAO P.D. 07

Case Number: 05-11834-GAO

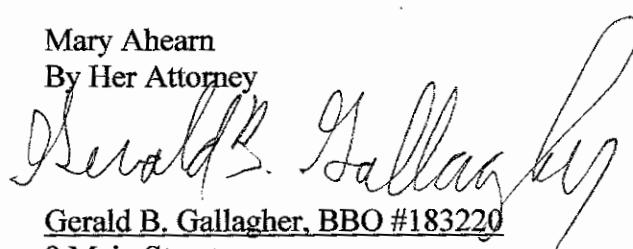
Comcast Of Southern New England, Inc.)
("Comcast"))
Plaintiff)
)
)
VS.)
)
)
Mary Ahearn)
Defendant)
)

DEFENDANT'S MOTION TO VACATE DEFAULT JUDGMENT

FRCP 55 (c) 60 (b)

Now comes the Defendant, Mary Ahearn, and moves to vacate the default entered for failure to answer the Plaintiff's Complaint.

Mary Ahearn
By Her Attorney



Gerald B. Gallagher, BBO #183220
9 Main Street
P.O. Box 2085
Acton, MA 01720

Telephone: 978 263-8331

February 1, 2006

MEMORANDUM / AFFIDAVIT OF MARY AHEARN IN SUPPORT OF MOTION
TO VACATE DEFAULT

I, Mary Ahearn, affirm the following:

At the time the complaint was served on me, my Husband, David Ahearn, was in the V.A. Hospital, West Roxbury, under going a procedure in respect to cancer of the liver, and I was preoccupied in addressing that matter.

When I was able to address this litigation matter, I was convinced that the case against me had no merits, and knew full well that I had never doctored or illegally altered a cable television box.

The case seems to go back to September 16, 2002 when several people hired by Comcast exchanged / install boxes at my house so that I could get HBO, so called.

I have no records or bills from Comcast which go back to September, 2002, and am not sure that I can locate checks to Comcast from the same period, and my then potential Attorney, Gerald Gallagher, wanted to know more about the case before filing an answer. I attempted to locate such document as I could.

On January 30, 2006, I finally was able to obtain some records from Comcast of past transactions, but they only go back to May 2003, and so I have no documentation in hand, at this time to reach into 2002.

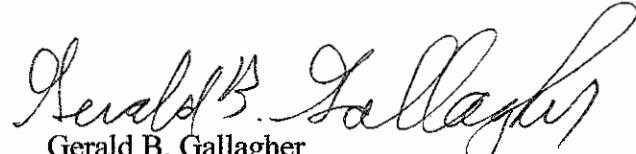
Any delay in answering the complaint in this case was brought about by family serious illness, and the desire to get facts in order before filing an answer and responsive pleadings.

As a defendant, I know full well that I have a meritorious defense to present.

Signed under the pains and penalties of perjury this first day of February, 2006.


Mary Ahearn

The came Mary Ahearn, a person know to me for several years, and swore to the truth of
the above affidavit.


Gerald B. Gallagher
Notary Public
My commission expires January 10, 2008

**GERALD B. GALLAGHER
ATTORNEY AT LAW**

9 MAIN STREET
P.O. BOX 2085
ACTON, MASSACHUSETTS 01720
(Tel.) 978-263-8331
(Fax) 978-266-2627
(email) Gerald.Gallagher@comcast.net

RECEIVED
U.S. DISTRICT COURT
MAILED 2/2/06 9:00 AM
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2006-2-2 9:00 AM

U.S. DISTRICT COURT
MAILED 2/2/06 9:00 AM

February 1, 2006

United States District Court
The District of Massachusetts
1 Courthouse Way
Boston, MA 02210

Re: Comcast v. Ahearn 05 – 11834 GAO

Dear Gentle People,

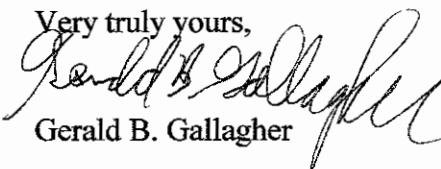
Please find herewith:

Defendant's Motion To Vacate Default Judgment (FRCP 55 (c) 60 (b))

Defendant's Answer to Plaintiff's Complaint;

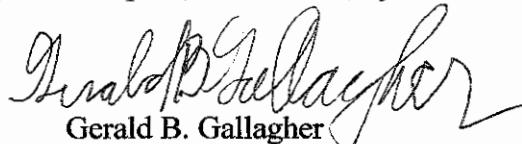
Notice of Appearance

Please docket and file.

Very truly yours,

Gerald B. Gallagher

CERTIFICATE OF SERVICE

I, Gerald B. Gallagher, hereby certify that I have forwarded a copy of the foregoing letter and enclosures to John M. McLaughlin at Green, Miles, Lipton & Fitz - Gibbon, LLP, 77 Pleasant Street, P.O. Box 210, Northampton, MA 01061, by first class mail on this 1st day of February, 2006.


Gerald B. Gallagher